

**Fire Safety Code Board
Of Appeal and Review
May 1, 2012**

The Rhode Island Fire Safety Code Board of Appeal and Review met at its headquarters located at 1 Regan Court, Varley Building #46, in Cranston, RI on Tuesday May 1, 2012. Present were Chairman Newbrook, Vice Chairperson Filippi and Commissioners Dias, Jasparro, Jackson, Sylvester, Burlingame, Blackburn and Richard. Commissioners Walker and Pearson were absent. Also present were Executive Director Thomas B. Coffey, Jr. and Deputy Director Carol Marsella.

The following cases were heard:

Superintendent Donna Ottaviano, for the following North Providence Schools:

APPEAL #080366: 55 Central Avenue (McGuire Elementary School)

APPEAL #100135: 1440 Mineral Spring Avenue (Whelan Elementary School)

APPEAL #100136: 1378 Douglas Avenue (Stephen Olney School)

APPEAL #100137: 51 Intervale Avenue (Ricci Middle School)

APPEAL #100138: 10 Birchwood Drive (Birchwood Middle School)

APPEAL #100139: 41 Angel Avenue (Centerdale Elementary School)

APPEAL #100140: 100 Morgan Avenue (Greystone Elementary School)

APPEAL #100141: 1135 Mineral Spring Avenue (Marieville School)

ADSFM John Horan appeared for the North Providence Fire Marshal's Office. Commissioner Blackburn recused himself from consideration of these cases. Commissioner Sylvester made a motion, seconded by Vice Chairperson Filippi, to approve the Applicant's plan of action for the above facilities as amended during the hearing, to include, but is not limited to, a variance granted for a headroom issue, to allow the exterior illumination of the buildings to be corrected at the direction and to the satisfaction of the North Providence Fire Marshal's Office, and the deadline for work to be completed set for September 1, 2014. The North Providence Fire Marshal's Office may extend the compliance date for good faith efforts being demonstrated by the Applicant. These files are to remain open for sixty (60) days. The motion was unanimous.

APPEAL #120044: Condo President Lori Simonetti, for the property located at 2008 Mineral Spring Avenue, North Providence. ADSFM John Horan appeared for the North Providence Fire Marshal's Office. Commissioner Dias made a motion, seconded by Commissioner Burlingame, to grant the Applicant a time variance of thirty (30) days to present to the North Providence Fire Marshal's Office a plan of action for the correction of the outstanding deficiencies in this facility, and an additional 150 days in which to implement that plan of

action. The North Providence Fire Marshal's Office is granted the authority to extend the above compliance dates for good faith efforts being demonstrated by the Applicant. The motion was unanimous.

APPEAL #120044: Spring Restaurant, for the property located at 120 Main Road, Tiverton. ADSFM Thomas Mello appeared for the Tiverton Fire Marshal's Office. Initially, Commissioner Burlingame made a motion, seconded by Vice Chairperson Filippi, to deny the Applicant's request to leave the cited dumpster in its current location. However, after further discussion and consultation with the State Fire Marshal's Office, it was determined that a subcommittee of the Board would conduct an on-site inspection of this facility to see if some relief could be granted. The subcommittee will convene at 120 Main Road in Tiverton on Tuesday, May 8, 2012 at 10:00 am.

APPEAL #120042: Mr. Wayne Blair, for the property located at 208 Warren Avenue in East Providence. ADSFM James Bellamy appeared for the East Providence Fire Marshal's Office. Commissioner Burlingame made a motion, seconded by Commissioner Sylvester, to grant the Applicant a time variance of thirty (30) days in which to present the East Providence Fire Marshal's Office with a plan of action for the correction of the outstanding deficiencies within this facility, and an additional 150 days in which to implement that plan. The East Providence Fire Marshal's Office is authorized to extend the above timelines for good faith efforts being demonstrated by the Applicant. The Applicant is directed to install temporary smoke and

CO detection until the fire alarm is installed, at the direction and to the satisfaction of the East Providence Fire Marshal's Office. The motion was unanimous.

APPEAL #120041: Mr. John Ridlin, for the property located at 21 Quinton Street in Warwick. ADSFM Peter Marietti appeared for the Warwick Fire Marshal's Office. Commissioner Jasparro made a motion, seconded by Commissioner Burlingame, to grant the Applicant a time variance of thirty (30) days in which to present the Warwick Fire Marshal's Office with a plan of action for the correction of the outstanding deficiencies within this facility, and an additional 150 days in which to implement that plan. The Warwick Fire Marshal's Office is authorized to extend the above timelines for good faith efforts being demonstrated by the Applicant. The motion was unanimous.

APPEAL #120050: Mr. David Yetton, for the property located at 30 Plan Way in Warwick. ADSFM Peter Marietti appeared for the Warwick Fire Marshal's Office. Commissioner Dias made a motion, seconded by Commissioner Richard, to grant the Applicant a time variance of thirty (30) days in which to present the Warwick Fire Marshal's Office with a plan of action for the correction of the outstanding deficiencies within this facility, and an additional 150 days in which to implement that plan. The Warwick Fire Marshal's Office is authorized to extend the above timelines for good faith efforts being demonstrated by the Applicant. The motion was

unanimous.

APPEAL #120049: Mr. Armando DiBiasio, for the property located at 1612-1628 Elmwood Avenue in Cranston. DSFM Thomas Dettore appeared for the State Fire Marshal's Office. Commissioner Sylvester made a motion, seconded by Commissioner Burlingame, to grant the Applicant's request for dimensional variances in the areas cited by the State Fire Marshal's Office. The motion was unanimous.

APPEAL #110102A: Clam Jammers LLC, for the property located at 294 Great Island Road in Narragansett. DSFM Paul Manning appeared for the State Fire Marshal's Office and ADSFM James Given appeared for the Narragansett Fire Marshal's Office. Commissioner Sylvester made a motion, seconded by Commissioners Jasparro and Burlingame, to confirm that the original variances granted for this facility in file number 110102 are void, as the Applicant did not conform to the mandates outlined in that decision. Vice Chairperson Filippi made a motion, seconded by Commissioner Jasparro, to grant the Applicant a time variance of thirty (30) days in which to present to the State Fire Marshal's Office a plan of action for the installation of sprinklers in this facility, and an additional 120 days in which to implement that plan of action. The State Fire Marshal's Office may extend that timeline for good faith efforts being demonstrated by the Applicant. The Applicant is directed to have a firefighter detail in place any time the facility operates as a nightclub, until the sprinklers have been installed and approved. The occupant load of this facility

is to be posted at a maximum of 170 persons. The motion passed with Commissioners Jackson, Blackburn and Richard in opposition.

Respectfully submitted

Carol Marsella